

the instant specification, while engaged in a voice-based conversation, a user of a subscriber unit can manifest his or her intent to interrupt the current communication and summon or “wake up” speech recognition functionality by locally detecting an indication of this intent, i.e., an interrupt indicator. The applicant respectfully submits that Ellis and Houser, separately and in combination, fail to teach this limitation.

The Examiner has noted, and the applicant agrees, that Ellis fails to teach “detecting the presence of an indicator during speech that activates the speech recognition processing.” To overcome this deficiency, Houser is cited as teaching “a detector for detecting a predetermined utterance during speech that activates the speech recognition function . . . .” This appears to be a reference to the presently-claimed limitation described above. However, as previously noted, the claimed limitation states that the detection of the interrupt indicator is performed *locally* at the subscriber unit. Furthermore, the claimed limitation states that such detection is performed during a *voice communication*. In contrast to the assertion otherwise, Houser fails to teach these limitations.

Houser teaches a cable set-top box (Houser’s terminal unit 16 and 160) that includes voice recognition functionality to enable voice-based control of devices (e.g., TVs and VCRs) and access to/use of broadcast information (e.g., programming guides). Houser also describes various embodiments of a remote control unit 166. Speech may be provided directly to the terminal unit (e.g., the fourth and fifth arrangements discussed at col. 7, lines 7-18; col. 16, line 58 – col. 17, line 15), or through a remote control unit (e.g., the first, second and third arrangements discussed at col. 6, lines 33 – col. 7, line 6; col. 15, line 19 – col. 16, line 50). Thus, to the extent that Houser teaches anything analogous, it would appear that Houser’s remote control and terminal unit respectively correspond to the presently-claimed subscriber unit and

infrastructure/speech recognition server to the extent that the remote control is capable of wirelessly transmitting voice data to the terminal unit for recognition processing, as in Houser's first, second and third arrangements.

In this light, it is clear that Houser does not teach a subscriber unit that locally detects an interrupt indicator during a voice communication. The portion of Houser (col. 17, lines 39-64), cited as teaching the limitations otherwise missing from Houser, in fact appear to demonstrate the shortcomings of Houser. In particular, at col. 17, lines 57-60 (see also col. 17, lines 22-28), Houser teaches that a predetermined utterance ("ATTENTION") can be used to activate speech recognition. However, in the preceding two sentences (col. 17, lines 53-57) Houser explains that this utterance-based wake up mechanism is employed in those situation in which the remote control "does not include any speech-related components". Therefore, by implication, it is clear that the detection of the interrupt indicator (i.e., the predetermined utterance) using Houser's utterance-based wake up mechanism is *not performed locally by the remote control* (subscriber unit) because the remote control "does not include any speech-related components." As such, Houser fails to teach the claimed limitation of a subscriber unit that locally detects an interrupt indicator during a voice communication, and the combination of Ellis in view of Houser fails to establish a prima facie case for obviousness of the present invention to the extent that it fails to teach all of the claimed limitations. (See M.P.E.P. §2143.03: in order to establish prima facie obviousness, "all the claim limitations must be taught or suggested by the prior art".) Therefore, the applicant respectfully submits that claims 1, 9, 17, 20 and 25 are patentable over the combination of Ellis in view of Houser.

Regarding claims 2-8, 10-16, 21-24 and 26-29, the applicant notes that these claims are dependent upon, and therefore incorporate the limitations of, claims 1, 9, 17, 20 and 25,

respectively, and recite additional patentable subject matter. Because the combination of Ellis in view of Houser fails to establish a prima facie obviousness of claims 1, 9, 17, 20 and 25, the applicant respectfully submits that claims 2-8, 10-16, 21-24 and 26-29 are also allowable over the combination of Ellis in view of Houser to the extent that claims 2-8, 10-16, 21-24 and 26-29 are dependent upon, while further limiting to, claims 1, 9, 17, 20 and 25, respectively.

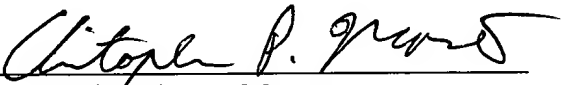
Further regarding claims 2, 3, 10, 11, 22 and 27, it has been asserted that “Houser’s activation can be by voice or input to a menu button.” Houser does describe a <Recognize> button 772 on the remote control. Houser also teaches, at col. 17, lines 49-53, that the “<Recognize> button is provided so that the user may activate the speech recognition interface . . . by supplying power to the speech-related components of the remote control.” Thus, it can be inferred that power is not supplied to the “speech-related component of the remote control” prior to a user activating the <Recognize> button. As a result, Houser does *not* teach that the <Recognize> button is activated *during a voice communication* to provide the interrupt indicator, as recited in claims 2, 3, 10, 11, 22 and 27 or the claims from which they depend. As a result, the combination of Ellis in view of Houser fails to teach each of the claimed limitations in claims 2, 3, 10, 11, 22 and 27 or the claims from which they depend.

Further regarding claims 4, 12, 23 and 28, it is noted that each of these claims recites either a “local speech recognizer” in a subscriber unit (claims 4 and 12) or a step of “locally monitoring” for “at least one predetermined utterance” at the subscriber unit (claims 23 and 28). Clearly, the teachings of Houser are silent with regard to a local speech recognizer in a subscriber unit (Houser’s remote control). Additionally, as described above relative to the present independent claims, Houser also fails to teach local monitoring for predetermined utterances at the subscriber unit. As such, the combination of Ellis in view of Houser fails to

teach each of the claimed limitations in claims 4,12, 23 and 28 or the claims from which they depend.

For at least the reasons described above, the applicant respectfully submits that the claims are in condition for allowance. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

By   
Christopher P. Moreno  
Registration No 38,566

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VEDDER, PRICE, KAUFMAN & KAMMHOLZ  
222 N. LaSalle Street  
Chicago, IL 60601  
(312) 609-7797  
FAX: (312) 609-5005